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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,639	03/20/2001	Michael R. Levine	LVN-08602/03	1113

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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,639

Applicant(s)

LEVINE, MICHAEL R.

Examiner

Vivek D. Koppikar

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/29/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. Claims 2-3 and 5-12 have been examined in this application. This Office Action is in response to the Request for Continued Examination (RCE) filed on June 29, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volz in view of Anonymous, "The issuers of health-care cards sense an era of healthy growth" (hereinafter Health care cards) and of information available at the web site of SimpleCare (hereinafter Simplecare).

As to claims 2, 5, 6, 9 and 12, Volz discloses a method of payment for a healthcare service (see abstract), said method comprising the steps of:

contracting by an intermediary with a healthcare provider, wherein the healthcare provider agrees to perform services for a healthcare user contracting with the intermediary and receive a fee for such services discounted relative to fees charged by the healthcare provider to other parties (page 1; paragraph 3 and page 2);

receiving by the healthcare user a healthcare service from the healthcare provider (page 2).

Volz does not explicitly disclose contracting between a healthcare user and the intermediary for the healthcare user to pay the healthcare provider when the healthcare service is performed with a healthcare credit card issued by the intermediary; charging the fee for the healthcare service using the healthcare credit card; subsequently paying the healthcare provider by the intermediary according to the contract between the healthcare provider and the intermediary for the healthcare service charged to the healthcare credit card; and subsequently paying the intermediary by the healthcare user according to the contract between the healthcare user.

However, Health care cards discloses contracting between a healthcare user and the intermediary for the healthcare user to pay the healthcare provider when the healthcare service is performed with a healthcare credit card issued by the intermediary (i.e. financing plans)(see abstract); charging the fee for the healthcare service using the healthcare credit card (page 1); subsequently paying the healthcare provider by the intermediary according to the contract between the healthcare provider and the intermediary for the healthcare service charged to the healthcare credit card at a discounted rate (Pages 1; Paragraphs 1 (Abstract) and 4) and Pages 2 and 3); and subsequently paying the intermediary by the healthcare user according to the contract between the healthcare user and the intermediary as payment for the healthcare service rendered by the selected healthcare provider (pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations for the motivation of allowing patients to pay for patient owed portions of medical bills without tying up credit lines on their general purpose cards (see abstract).

Volz and Health care cards do not explicitly disclose providing the healthcare user access to a website hosted by the intermediary on a computer network; identifying the healthcare user accessing the healthcare website; providing the identified healthcare user access to a web page containing healthcare providers contracting with the intermediary; and selecting by the healthcare user a healthcare provider from the contracting healthcare providers.

However, Simplecare discloses providing the healthcare user access to a website hosted by the intermediary on a computer network (page 1); identifying the healthcare user accessing the healthcare website (pages 1-9); providing the identified healthcare user access to a web page containing healthcare providers contracting with the intermediary (pages 6-9); and selecting by the healthcare user a healthcare provider from the contracting healthcare providers (pages 6-9). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Simplecare within Volz and Healthcare cards for the motivation of accessing a network of healthcare providers for fees where the system reduces administrative costs associated with medical care and passes the savings to consumers in the form of reduced fees (pages 1-2).

As to claims 8 and 11, Volz does not explicitly disclose A method as set forth in claims 5 and 9 including the step of billing the healthcare user by the intermediary for the healthcare

service performed by the healthcare service provider, after said step of paying the healthcare provider.

However, Healthcare cards discloses the step of billing the healthcare user by the intermediary for the healthcare service performed by the healthcare service provider, after said step of paying the healthcare provider (pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Healthcare cards within Volz for the motivation of allowing patients to pay for patient owed portions of medical bills without tying up credit lines on their general purpose cards (see abstract).

As to claims 3, 7 and 10, Volz and Healthcare cards do not explicitly disclose wherein the computer network is the Internet.

However, Simplecare discloses wherein the computer network is the Internet (page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Simplecare within Volz and Healthcare cards for the motivation of accessing a network of healthcare providers for fees where the system reduces administrative costs associated with medical care and passes the savings to consumers in the form of reduced fees (pages 1-2).

Response to Arguments

4. In response to the applicants' argument the 35 USC 101 rejections from the previous Office Action, dated February 5, 2005 has been withdrawn.

5. Applicant's arguments filed on April 21, 2005 with regards to the 35 USC 103(a) rejection of Claims 2-12 being unpatentable over Volz in view of Health-Care Cards and in further view of SimpleCare have been fully considered but they are not persuasive.


The applicants argue that this rejection should be withdrawn because the systems of Volz and Health-Care are "totally incompatible with one another" (See: Applicant's arguments of April 21, 2005, Page 8, Paragraph 3). However, the applicants do not elaborate on why these systems are totally incompatible. Moreover, the examiner would like to point out that Claims 2-12 have been rejected over Volz in view of both Health-Care and SimpleCare and these three collective references teach all the claimed limitations in Claims 2-12 and motivation exists, within the text of the references to combine the teachings of these three references. The motivation for combining these references is clearly set forth in the rejection of these claims. Moreover, the applicants have only argued against Volz and Health-Care while the 35 USC 103 rejection is over Volz, Health-Care and SimpleCare.

Conclusion

6. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely, 
Vivek Koppikar

1/19/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER